

38. (NEW) The method of claim 36 wherein the modifier command comprises the depression of a keyboard key.

REMARKS

I. Introduction

In response to the Office Action dated August 28, 2002, claims 1, 13, 24, 35, and 36 have been amended, and new claim 38 has been added. Claims 1-38 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1, 2, 6-11, 13, 14, 18-22, 24, 25, 29-33, and 35-37 were rejected under 35 U.S.C. §102(e) as being anticipated by Kimble, U.S. Patent No. 6,031,531 (Kimble). In paragraphs (3)-(4) of the Office Action, claims 3-5, 12, 15-17, 23, 26-28, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kimble as applied to claim 1, and further in view of Newell et al., U.S. Patent No. 5,123,087 (Newell).

Specifically, claim 1, 13, 24, 35, and 36 were rejected as follows:

As to claim 1:

Kimble discloses a method of acquiring a data point of interest on an object, comprising the steps of:

accepting a command to move a cursor near the data point (Figure 7 152); and
acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 164). By "dwelling on the icon/object (i.e., by not utilizing a switch or moving the cursor is "dwelling" is automatically activated", column 9, line 34-37).

As to claim 13:

Kimble discloses an apparatus for acquiring a data point of interest on an object, comprising:
means for accepting a command to move a cursor near the data point (Figure 7 152); and
means for acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 164).

As to claim 24:

Kimble discloses a program storage device (Figure 2 50), readable by a computer, tangible embodying at least one program of instructions executable by the computer to perform method steps of acquiring a data point of interest on an object (Figure 2 51), the method comprising the steps of: accepting a command to move a cursor near the data point (Figure 7 152); and acquiring the data point after the cursor remains near the data point for an acquisition pause time (Figure 7 124).

As to claim 35:

Kimble discloses method of unacquiring an acquired data point comprising the steps of: accepting a command to move a cursor near the acquired data point (Figure 7 152); and unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time ("the concept of "demagnetizing" an icon/object may be implemented", column 10, line 10-11).

As to claim 36:

Kimble discloses a method of acquiring a data point of interest on an object, comprising the steps of: accepting a modifier command ("The amount of cursor movement necessary to trigger the hop can be adjustable by the user", column line 24-26); and acquiring the data point after a command is received to move a cursor near the data point (Figure 7 152 and 154).

Applicant traverses the above rejections for one or more of the following reasons:

- (1) Kimble fails to teach, disclose or suggest a data point of interest on a drawing object;
- (2) Kimble fails to teach, disclose or suggest a drawing object in a computer-implemented drawing program;
- (3) Kimble fails to teach, disclose or suggest acquiring a data point of interest on a drawing object; and
- (4) Kimble fails to teach, disclose or suggest acquiring a data point after a cursor remains near the data point for an acquisition pause time.

Independent claims 1, 13, 24, 35, and 36 are generally directed to operations in a computer drawing program. Specifically, the claims are directed to acquiring/unacquiring a data point. The claims provide for a data point of interest that exists on a drawing object. As cited in the dependent claims, such a data point may be an endpoint of the drawing object, midpoint of the drawing object, a node of the drawing object, a closest quadrant point on the drawing object, an insertion point on the drawing object, a point on a line tangent to the drawing object, or a point on a line that forms a normal from the drawing object (e.g., see claims 5, 17, and 28). A cursor is moved near the data point on the object. Once the cursor remains near the data point for a defined period of time (i.e. an acquisition pause time), the data point is acquired.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

Kimble merely describes a method and system for assisting physically challenged users in positioning cursor objects at desired icons displayed within a graphic interface of a computer system. Icons are displayed within the graphic interface, such that an icon, when graphically selected by a user, facilitates a particular application function. Icon domains are established about each icon, wherein each icon domain is larger than the icon itself. The cursor object may thereafter be automatically positioned at the center of a particular icon, in response to moving the cursor object into an icon domain associated with that particular icon, thereby assisting physically challenged users in efficiently positioning the cursor object at the icon in order to graphically select a particular function associated with the icon. According to this method and system, the icons are thereby graphically magnetized, such that a cursor object is immediately snapped toward a desired icon when entering a graphically magnetized domain surrounding the desired icon, eliminating the need for positioning the cursor object precisely on the icon or other graphical object to be selected.

Firstly, it should be noted that Kimble is merely directed towards assisting physically challenged users with icon selection in a graphical interface of a computer program. Kimble does not teach or describe, explicitly or implicitly, a drawing program or the use in/of a drawing program. Accordingly, Kimble fails to teach an element of the claim.

Secondly, the Office Action cites Kimble's "dwelling" to teach the claimed element of acquiring a data point. However, as cited throughout Kimble, the "dwelling" is merely used to activate a function associated with the icon/object (see col. 9, lines 34-37). In an alternative embodiment described in Kimble, the cursor snaps to an icon if the user doesn't move the cursor away from the icon after a time interval (see col. 10, lines 31-35). Thus, Kimble merely describes the activation or snapping to an icon. In this regard, Kimble fails to describe a drawing object whatsoever. Kimble's icon/object is not equivalent to a drawing object in a computer-implemented drawing program.

Additionally, the claims provide and cite a data point of interest on a drawing object. Kimble completely fails to describe a data point. Even assuming that Kimble's icon/object is equivalent to the present invention's drawing object (although Applicants traverse such an

assertion), Kimble does not describe any data point on the icon/object. Instead, Kimble merely describes an entire icon/object without describing aspects of the object.

Further, the claims provide for acquiring the data point of interest on the drawing object. Kimble merely describes the activation of a function associated with the complete icon or a cursor snapping to the icon location. Acquiring a particular data point on a drawing object is not even remotely similar to activating a function of an icon or snapping to a location of an icon.

Based on the above-described differences, Applicants submit that Kimble fails to teach, disclose, or suggest, implicitly or explicitly, the invention as claimed. Further, Kimble actually teaches away from Applicants' invention because it describes the activation of an entire icon/object instead of acquiring a particular point on the object.

Similarly, Newell merely describes a computer-aided drafting system and methods for automatically locating geometric points for a user. A method includes defining a type of geometric point which includes a point type of interest to the user, setting a hit radius, displaying an object, displaying a cursor to indicate a location, testing the object to find a point having the defined point type, which is within the hit radius of the cursor, and if a point is found then displaying the point. A computer-aided drafting system includes a computer having a memory and a processor, a display device, a cursor control device, and instructions for directing the processor to automatically locate geometric points of interest to the user.

However, Newell cannot be combined with Kimble. There is no suggestion, explicit or implicit to combine the teachings of Newell with Kimble. While Kimble addresses cursor movement for physically challenged users, Newell addresses locating geometric points for a user. Further, while Kimble is utilized in a graphic interface of a computer system, Newell is utilized in the context of a drawing program. The MPEP §706.02(j) provides that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The Office Action fails to provide a suggestion or motivation to combine the references. In this regard, there is no suggestion or motivation in the references to combine them. Further, Kimble and Newell are from non-analogous arts.

In addition to the above, Newell fails to describe acquiring a data point after a cursor remains near the data point for a pause time. Further, neither Newell nor Kimble acknowledge, recognize, or address the problems of the prior art as the present claims do. Kimble merely addresses the difficulty that physically challenged users have in positioning a cursor. Newell merely addresses the recognition of interesting points. However, the present invention address an entirely different problem with the prior art. As stated in the present specification on page 2, lines 20-27, in the prior art, as the user moves the cursor from one place on the drawing to another, a large number of extension lines and interesting points flash about on the screen. This flashing problem is not only distracting, but can make it difficult to see the points the user is truly interested in, and can unnecessarily add to the computational burden of the computer hosting the drawing program. Since neither Newell nor Kimble recognize the problem, neither reference addresses the problem or presents a solution to the problem. The present claims provide such a solution.

As stated above, the references cannot be combined. However, assuming the references could be combined, the combination would teach away from Applicants' invention. For example, in accordance with Kimble, the cursor could snap to an icon/object, thereafter, as the cursor is moved, various extension lines and points of the icon/object would flash about the screen in accordance with Newell (and in accordance with the prior art described in the specification). Alternatively, in accordance with Kimble, a function for an icon would be activated, followed by the recognition or flashing of various extension lines and points as the cursor is moved. In either example, a data point of interest on a drawing object is not acquired after a cursor remains near a data point for a defined time period as claimed.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Kimble and Newell.

Thus, Applicants submit that independent claims 1, 13, 24, 35, and 36 are allowable over Kimble and Newell. Further, dependent claims 2-12, 14-23, 25-34, 37, and 38 are submitted to be allowable over Kimble and Newell in the same manner, because they are dependent on independent claims 1, 13, 24, 35, and 36, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-12, 14-23, 25-34, 37, and 38 recite additional novel elements not shown by Kimble and Newell.

IV. Conclusion


In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: November 22, 2002

By: 
Name: Jason S. Feldmar
Reg. No.: 39,187

JSF/sjm

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APPENDIX: CLAIMS IN MARKED-UP FORM

1. (AMENDED) A method of acquiring a data point of interest on [an] a drawing object, comprising the steps of:
accepting a command to move a cursor near the data point of interest on the drawing object in a computer-implemented drawing program; and
acquiring the data point after the cursor remains near the data point for an acquisition pause time.

13. (AMENDED) An apparatus for acquiring a data point of interest on [an] a drawing object, comprising:
means for accepting a command to move a cursor near the data point of the drawing object in a computer-implemented drawing program; and
means for acquiring the data point after the cursor remains near the data point for an acquisition pause time.

24. (AMENDED) A program storage device, readable by a computer, tangibly embodying at least one program of instructions executable by the computer in a drawing program to perform method steps of acquiring a data point of interest on [an] a drawing object, the method comprising the steps of:
accepting a command to move a cursor near the data point of interest on the drawing object; and
acquiring the data point after the cursor remains near the data point for an acquisition pause time.

35. (AMENDED) A method of unacquiring an acquired data point, comprising the steps of:
accepting a command to move a cursor near the acquired data point of a drawing object in a computer-implemented drawing program; and

unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time.

36. (AMENDED) A method of acquiring a data point of interest on [an] a drawing object, comprising the steps of:
accepting a modifier command; and
acquiring the data point of interest on a drawing object in a computer-implemented drawing program after a command is received to move a cursor near the data point, wherein the data point is not acquired without the modifier command.